



1652 09-22-03

Express Mail No.: EV335857052US 1652

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Stein et al. Confirmation No.: 7248  
Serial No.: 09/593,288 Art Unit: 1652  
Filed: June 13, 2000 Examiner: Pak, Y.  
For: Mitogen-Activated Protein Kinase Attorney Docket No.: 10624-021-999  
Kinase MEK6 and Variants Thereof

REPLY UNDER 37 C.F.R. § 1.111

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 18, 2003, please consider the remarks below in connection with the above-identified patent application.

REMARKS

Claims 1 and 22-26 will be pending upon entry of this Reply. The indicated allowability of the claims has been withdrawn by the Examiner.

The Rejection Under 35 U.S.C. § 102 Should Be Withdrawn

The Examiner has rejected claims 1 and 23-25 under 35 U.S.C. § 102(e) as being anticipated by Davis *et al.* (U.S. Patent No. 56,541,605, hereinafter "the Davis '605 patent") cited in PTO-892. In response, Applicants submit that the Davis '605 patent is not applicable as a prior art reference.

The Davis '605 patent issued from a continuation of application serial number 08/530,950, issued as U.S. Patent No. 5,736,381 ("the '381 patent"). The Examiner has previously rejected the claims of the above-identified application under 35 U.S.C. §102(e) in view of the '381 patent. Applicants submitted a Declaration of the Inventors under 37 C.F.R. §1.131 (hereafter "the Declaration"), which effectively established a date of invention prior to the effective date of the '381 patent, and the Examiner accordingly withdrew the rejection under 35 U.S.C. §102(e).

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